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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2854**
Akihiro MIYAZAKI et al. : Attorney Docket No. 2003_1820
Serial No. 10/735,661 : Group Art Unit 2619
Filed December 16, 2003 : Examiner Steven H.D. Nguyen

DATA TRANSMISSION METHOD, DATA
TRANSMISSION APPARATUS, DATA
RECEPTION APPARATUS, AND PACKET
DATA STRUCTURE

Mail Stop: AMENDMENT

RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975**

Sir:

Responsive to the Office Action dated February 20, 2008, reconsideration and further examination of the above-identified application are respectfully requested in view of the following remarks.

Specifically, in the Office Action of February 20, 2008, the Examiner indicated that newly submitted claims 73-78 are directed to an invention that is independent or distinct from the elected invention because new claims 73-78 allegedly include new limitations which are directed to a non-elected invention. The Examiner's position is respectfully traversed for the following reasons.

On June 28, 2007 the Examiner issued a restriction under 35 U.S.C. § 121 and requested that the Applicants elect invention 1 or invention 2. The restriction (i) identified invention 1 as including claims 53-57 and 63-67 which were directed to a data transmitting apparatus and process, and (ii) identified invention 2 as including claims 58-62 and 68-72 which were directed